

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 306

March 24, 2023

SUMMARY OF BILL: Requires a person to prove an asserted claim by clear and convincing evidence, as opposed to a preponderance of evidence, in order to recover for any tort. Exempts workers' compensation claims. Applies to actions occurring on or after July 1, 2023.

FISCAL IMPACT:

Other Fiscal Impact – Any impact on state or local government expenditures cannot be quantified with reasonable certainty.

Assumptions:

- Most tort cases will impact only the finances of private parties.
- To the extent the new evidentiary standard applies to tort claims filed against state or local entities, the proposed legislation could affect the number of such claims filed and the amount awarded to the plaintiff. However, the number of claims, amounts awarded, and the timing of any such awards is unknowable and cannot be reasonably estimated.
- For the state, such awards are limited to \$300,000 per claimant and \$1,000,000 per occurrence, payable from the Risk Management Fund.
- Based on information provided by the Administrative Office of the Courts, any fiscal impact to state or local courts is estimated to be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner".

Krista Lee Carsner, Executive Director